IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 863 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DASHARATHJI SHIVAJI THAKOR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 863 of 2001

MR KR JANI for Petitioner No. 1

Mr. HL Jani, AGP for Respondent No. 1-3

MS PJ DAVAWALA for Respondent No. 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 28/06/2001

ORAL JUDGEMENT

Heard learned advocate Mr. Patel for the petitioner and learned AGP Mr. HL Jani for respondents no. 1 to 3 and learned Addl. Standing Counsel Ms. Davawala for respondent NO.4. In this matter, the

impugned order of detention dated 5th December, 2000 actually executed on 6th December, 2000 is under challenge. Said order of detention has been passed under the provisions of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980.

Today, when the matter was taken up for hearing, learned advocate Mr. S.R. Patel appearing for the petitioner has submitted that the duration of detention of the impugned order of detention of six months has been over on 5th June, 2001and the petitioner has already been released from detention. The statement made by Mr. Patel has not been disputed by the learned AGP Mr. Jani.

In view of these facts, when the order of detention is not remaining in force and the petitioner has already been released from the detention after completion of six months' duration on 5th June, 2001, as per my opinion, the petition has become infructuous and, therefore, without examining merits of the present petition, and without deciding legality, validity and propriety of the detention, the petition is required to be disposed of as having become infructuous since the order of detention is not remaining in force. Accordingly, this petition is disposed of as having become infructuous. Rule is discharged. There shall be no order as to costs.

28.6.2001. (H.K. Rathod,J.)

Vyas